

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court reconvened at 1:30 P.M. Present: Honorable William A. Stone, Acting Presiding Justice; Honorable Herbert I. Levy, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Diana Monopoli, Deputy Clerk.

F026405 Miller v. Miller

Parties stipulate that (1) Ardaiz, P.J. the absent assigned justice participate in the determination of this appeal, and (2) Ardaiz, P. J. to listen to tape recording of oral proceedings upon his return

Cause called and argued by Michael D. Culy, Esq., counsel for appellant Gary Lynn Miller and by James F. Tritt, Esq., counsel for respondent Michael J. Miller.

Cause ordered submitted.

F027660 Desmond et al v. Clark et al

Parties stipulate that (1) Ardaiz, P.J. the absent assigned justice participate in the determination of this appeal, and (2) Ardaiz, P. J. to listen to tape recording of oral proceedings upon his return

Cause called and argued by Marcus D. Magness, Esq., counsel for appellant Joseph F. Desmond; by Richard B. Isham, Esq., counsel for respondent Donald R. Clark et al and by Edward T. Clifford, Esq., counsel for respondent Downey, Brand, Seymour & Rhower.

Cause ordered submitted.

Court recessed until Thursday April 16, 1998 @ 10:00 a.m.

F030041 People v. Komarenko
F030477 In re Alexander Komarenko on Habeas Corpus

On its own motion and after notice to the parties, the court orders the captioned matters consolidated for purposes of decision.

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F027554 People v. Pate

Appellant's petition for rehearing filed herein is denied.

F028006 People v. Esparza

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F025847 People v. Reed

Appellant's petition for rehearing filed herein is denied.

F027397 People v. Brown

Good cause appearing, it is ordered that the remittitur which issued in the above entitled proceeding on March 16, 1998, be recalled.

When said remittitur is received by the Court Administrator/Clerk of the court, the filing of the opinion of this court on January 13, 1998, is vacated, the matter will stand submitted, and the Court Administrator/Clerk is directed to refile said opinion in accordance with the applicable rules of court.